

## SUBCHAPTER H—UTILIZATION AND DISPOSAL

### PART 109-42—UTILIZATION AND DISPOSAL OF HAZARDOUS MATERIALS AND CERTAIN CATEGORIES OF PROPERTY

#### Subpart 109-42.11—Special Types of Hazardous Material and Certain Categories of Property

Sec.

109-42.1100.50 Scope of subpart.

109-42.1100.51 Policy.

109-42.1102-8 United States Munitions List items which require demilitarization.

109-42.1102-51 Suspect personal property.

109-42.1102-52 Low level contaminated personal property.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 63 FR 19640, Apr. 20, 1998, unless otherwise noted.

#### Subpart 109-42.11—Special Types of Hazardous Material and Certain Categories of Property

##### § 109-42.1100.50 Scope of subpart.

This subpart sets forth policies and procedures for the utilization and disposal outside of DOE of excess and surplus personal property which has been radioactively or chemically contaminated.

##### § 109-42.1100.51 Policy.

When the holding organization determines it is appropriate to dispose of contaminated personal property, it shall be disposed of by DOE in accordance with appropriate Federal regulations governing radiation/chemical exposure and environmental contamination. In special cases where Federal regulations do not exist or apply, appropriate state and local regulations shall be followed.

##### § 109-42.1102-8 United States Munitions List items which require demilitarization.

Heads of field organizations shall determine demilitarization requirements regarding combat material and military personal property using DoD

4160.21-M-1, Defense Demilitarization Manual as a guide.

##### § 109-42.1102-51 Suspect personal property.

(a) Excess personal property (including scrap) having a history of use in an area where radioactive or chemical contamination may occur shall be considered suspect and shall be monitored using appropriate instruments and techniques by qualified personnel of the DOE office or contractor generating the excess.

(b) With due consideration to the economic factors involved, every effort shall be made to reduce the level of contamination of excess or surplus personal property to the lowest practicable level. Contaminated personal property that exceeds applicable contamination standards shall not be utilized or disposed outside DOE.

(c) If contamination is suspected and the property is of such size, construction, or location as to make testing for contamination impossible, the property shall not be utilized or disposed outside of DOE.

##### § 109-42.1102-52 Low level contaminated personal property.

If monitoring of suspect personal property indicates that contamination does not exceed applicable standards, it may be utilized and disposed of in the same manner as uncontaminated personal property, provided the guidance in § 109-45.5005-1(a) of this chapter has been considered. However, recipients shall be advised where levels of radioactive contamination require specific controls for shipment as provided in Department of Transportation Regulations (49 CFR parts 171-179) for shipment of radioactive personal property. In addition, when any contaminated personal property is screened within DOE, reported to GSA, or otherwise disposed of, the kind and degree of contamination must be plainly indicated on all pertinent documents.

**Pt. 109-43**

**PART 109-43—UTILIZATION OF  
PERSONAL PROPERTY**

Sec.

109-43.001 Definition.

**Subpart 109-43.1—General Provisions**

109-43.101 Agency utilization reviews.

109-43.103 Agency utilization officials.

**Subpart 109-43.3—Utilization of Excess**

109-43.302 Agency responsibility.

109-43.302-50 Utilization by designated contractors.

109-43.304 Reporting requirements.

109-43.304-1 Reporting.

109-43.304-1.50 DOE reutilization screening.

109-43.304-1.51 Transfers within DOE.

109-43.304-2 Form and distribution of reports.

109-43.304-4 Property at installations due to be discontinued.

109-43.305 Property not required to be formally reported.

109-43.305-50 Nuclear-related and proliferation-sensitive personal property.

109-43.307 Items requiring special handling.

109-43.307-2 Hazardous materials.

109-43.307-2.50 Monitoring of hazardous personal property.

109-43.307-2.51 Holding hazardous personal property.

109-43.307-3 Conditional gifts for defense purposes.

109-43.307-4 Conditional gifts to reduce the public debt.

109-43.307-50 Export controlled personal property.

109-43.307-51 Classified personal property.

109-43.307-52 Nuclear-related or proliferation-sensitive personal property.

109-43.307-53 Automatic data processing equipment (ADPE).

109-43.307-54 Unsafe personal property.

109-43.312 Use of excess personal property on cost-reimbursement contracts.

109-43.313 Use of excess personal property on cooperative agreements.

109-43.314 Use of excess personal property on grants.

109-43.315 Certification of non-Federal agency screeners.

**Subpart 109-43.5—Utilization of Foreign  
Excess Personal Property**

109-43.502 Holding agency responsibilities.

**Subpart 109-43.47—Reports**

109-43.4701 Performance reports.

**41 CFR Ch. 109 (7-1-13 Edition)**

**Subpart 109-43.50—Utilization of Personal  
Property Held for Facilities in Standby**

109-43.5000 Scope of subpart.

109-43.5001 Definition.

109-43.5002 Reviews to determine need for retaining items.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 63 FR 19640, Apr. 20, 1998, unless otherwise noted.

**§ 109-43.001 Definition.**

*DOE screening period* means the period of time that reportable excess personal property is screened throughout DOE for reutilization purposes and, for selected items, through the Used Energy-Related Laboratory Equipment (ERLE) Grant Program.

**Subpart 109-43.1—General  
Provisions**

**§ 109-43.101 Agency utilization reviews.**

DOE offices and designated contractors are responsible for continuously surveying property under their control to assure maximum use, and shall promptly identify property that is excess to their needs and make it available for use elsewhere.

**§ 109-43.103 Agency utilization officials.**

The DPMO is designated as the DOE National Utilization Officer.

**Subpart 109-43.3—Utilization of  
Excess**

**§ 109-43.302 Agency responsibility.**

**§ 109-43.302-50 Utilization by designated contractors.**

Heads of field organizations may authorize designated contractors to perform the functions pertaining to the utilization of excess personal property normally performed by a Federal agency, provided the designated contractors have written policies and procedures.